

**BOARD OF ZONING APPEALS (BZA)  
RECORD OF MINUTES AND PROCEEDINGS**

September 4, 2019, 7:00pm  
McCulloch Building, Mary McElroy Room  
182 Green Street, Weymouth, MA 02191

RECEIVED  
TOWN OF WEYMOUTH  
TOWN CLERK'S OFFICE  
2019 OCT 22 PM 2:49

**Members Present:** Ed Foley, Vice-Chairman  
Kemal Denizkurt  
Jonathan Moriarty  
Brandon Diem  
Robert Christian

**Also Present:** Eric Schneider, Principal Planner  
Janet P. Murray, Recording Secretary

Mr. Foley called the Board of Zoning Appeals meeting to order at 7:00 p.m. at the McCulloch Building, 182 Green Street and explained the procedures that would be followed to the people present.

**New Business:**

1. Case #3394 - The petitioner, Ryder Properties Company, LLC, for property located at **1433-1435 Main Street** also shown on Weymouth Town Atlas sheet 30, block 624, lots 29, 30, 31 & 32, located in the HT/CCOD Zoning District. The petitioner is seeking the following relief from the requirements of the Weymouth Zoning Ordinance:

Special Permit	Article VIIB Commercial Corridor Overlay District
Variance	120-25.17 (A) Height of buildings

The subject property is 82,788 sf mixed use consisting of 3 town house style duplexes and a miniature golf course. Petitioner seeks to add 3 town-house style duplexes to the existing 3 town-house style duplexes with the miniature golf course on the site. The buildings will be two and one half (2 1/2) stories high to match the existing 3 town-house which is less than the 3 story, 45' height minimum required.

Mr. Moriarty made a motion to open the public hearing on Case #3394 and was seconded by Mr. Diem. **UNANIMOUSLY VOTED.**

Mr. Moriarty made a motion to waive the reading of the public notice and was seconded by Mr. Diem. **UNANIMOUSLY VOTED.**

Attorney Gregory Galvin appeared before the Board with Mr. Ryder, the applicant, and Al Trachemus, Project engineer from Sitec.

Mr. Galvin stated that the existing townhouses built as form A project before the overlay district was created.

The following exhibits were entered into the record:

- Exhibit #1 Pictures of existing buildings which is what is proposed to be built
- Exhibit #2 Letter from Councilor Michael Smart, District 6, in opposition to the proposal
- Exhibit #3 Letter from Christopher Arruda, 454 Pond Street
- Exhibit #4 Pictures of abutting properties from Kevin Spellman
- Exhibit #5 Copy of assessor's card

Mr. Foley noted that there were no architectural drawings submitted.

Mr. Foley read into the record a letter from Councilor Michael Smart, District 6, and a letter from Christopher Arruda, 454 Pond Street.

Mr. Denizkurt noted that the application does not show a request for a height variance.

Mr. Denizkurt stated that the pictures submitted do not match the design layout of what is currently on-site. Mr. Ryder stated that the drawings are an example. He stated that the proposed units would be consistent with the design of the existing buildings.

Mr. Moriarty asked if these would be rental units. Mr. Ryder stated that will be rental. Mr. Moriarty asked about the retail component.

Mr. Ryder stated that the mini-golf course would remain.

Mr. Moriarty stated that the commercial component does not fit the intent of the overlay district.

Mr. Foley stated that the intent of the overlay district was to encourage the building of new retail space. He pointed out that the golf-course is an existing facility; the proposal does not create new retail space.

Attorney Galvin stated that the retail space helps the existing use.

Mr. Diem asked what variance relief is being sought? Attorney Galvin stated that they are seeking a height variance; the mixed use of this property requires a special permit and must meet the conditions of the commercial overlay district.

Mr. Schneider stated that anything done in commercial overlay district must receive a special permit. There is nothing allowed by right under this standard.

Mr. Luongo stated that the spirit of the commercial overlay district was to encourage redevelopment of older, underused properties.

Mr. Foley asked if there was anyone present who would like to speak. There was the following response.

Gail Romasco, 444 Pond Street, stated that she is a rear abutter and has concerns about the project. She noted that 35 years ago, the property in question was not to be developed. The zoning changed and the existing development was built. She noted that a lot of trees were lost. The back porch of a proposed unit would look onto her property diminishing her privacy. She is concerned that this will devalue her asset.

Kevin Spellman, 450 Pond Street, stated that he is against the development. He showed the Board pictures of the property as of today and also a copy of the assessor's card. Mr. Spellman asked about taxes paid by Mr. Ryder and if he paid interest.

Mr. Ryder stated that in the last 20 years he has paid approximately \$20 million in taxes. He referenced a property on Tamberlane Ridge that was the subject of an article in the paper. He noted that he has paid interest on past due taxes.

Mr. Foley noted that the applicant needs four votes out of five for approval this evening.

On behalf of his applicant, Attorney Galvin requested that this application be withdrawn without prejudice.

Mr. Denizkurt made a motion to accept the applicant's request to withdraw the application without prejudice and was seconded by Mr. Christian. UNANIMOUSLY VOTED.

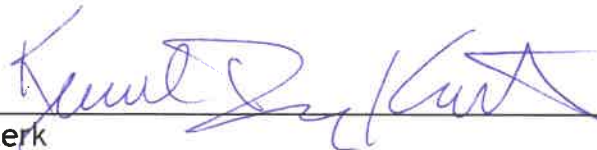
**Minutes:** There were no minutes for approval

**Upcoming Meetings:** October 16, 2019

## ADJOURNMENT

Mr. Mr. Denizkurt made a motion to adjourn at 8:15 p.m. and was seconded by Mr. Moriarty. VOTED UNANIMOUSLY.

Approved by:  
Mr. Denizkurt, Clerk



10-16-19  
Date